

**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF TEXAS  
MARSHALL DIVISION**

**ARCHER AND WHITE SALES, INC.,**

*Plaintiff,*

**V.**

**HENRY SCHEIN, INC., DANAHER  
CORPORATION, INSTRUMENTARIUM  
DENTAL INC., DENTAL EQUIPMENT  
LLC, KAVO DENTAL  
TECHNOLOGIES, LLC, DENTAL  
IMAGING TECHNOLOGIES,  
CORPORATION, PATTERSON  
COMPANIES, INC., BENCO DENTAL  
SUPPLY CO.,**

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**CIVIL ACTION NO. 2:12-CV-00572-JRG**


**Defendants.**

## ORDER

The Court issues this Order *sua sponte*. On April 2, 2019, the Court stayed the above-captioned case pending the Fifth Circuit's decision in Case No. 16-41674. (Dkt. No. 418.) On August 14, 2019, the Fifth Circuit issued an opinion in Case No. 16-41674, applying the recent Supreme Court opinion *Henry Schein, Inc. v. Archer & White Sales, Inc.*, 139 S. Ct. 524 (2019). The result holds that the above-captioned case is not subject to mandatory arbitration. In light of the Fifth Circuit's decision, the parties are hereby **ORDERED** to file a Joint Status Report on or before **12:00 P.M.** on **AUGUST 26, 2019**. The Joint Status Report shall (1) set forth a summary of the Fifth Circuit's decision, and (2) identify all motions, issues, claims, or portions thereof which are rendered moot by the Fifth Circuit's decision as well as a complete list of surviving motions, issues, claims, or portions thereof which remain live for the Court. The parties are also **ORDERED** to appear in-person for a Status Conference on **AUGUST 28, 2019** at **9:00 A.M.** At

least one local counsel and one lead counsel for each party shall be present for the Status Conference. All parties should be prepared to discuss the aforementioned Joint Status Report and how to best schedule this case for trial.

**So ORDERED and SIGNED this 20th day of August, 2019.**



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RODNEY GILSTRAP  
UNITED STATES DISTRICT JUDGE